

## Preliminary Decision Memo

### 2021 Recreation Residence Projects – Odell Lake

USDA Forest Service  
Crescent Ranger District, Deschutes National Forest  
Klamath County, Oregon

#### Background

The Crescent Ranger District maintains 66 recreation residence permits on Odell Lake and 72 on Crescent Lake. Each year, permittees may submit applications for repairs and alterations to their privately owned structures to ensure safety, accessibility, and compliance with regulations, as well as upgrades as permitted under conditions outlined in the recreation residence special use permit language. Upon acceptance of these project requests, the Forest Service is required to conduct a National Environmental Policy Act of 1969 (NEPA) analysis on any project that may alter the character of a residence or that includes any ground-disturbing activity. This Preliminary Decision Memo covers seven recreation residences and their associated projects<sup>1</sup> on Odell Lake: G-1, G-4, T-3, T-7, W-4, X-3 and X-12.

#### Purpose and Need

*There is a need to maintain the private recreation residence structures and associated improvements in a safe condition that provides for accessibility, ensures compliance with County, State, and Federal regulations, and allows for upgrades as permitted under conditions outlined in the recreation residence special use permit language.*

#### Proposed Action

The Forest Service proposes the following actions to meet this purpose and need:

**Cabin G-1:** On February 22, 2021, the Crescent Ranger District Permit Administrator received an email indicating that a large tree had fallen across Odell Lake Cabin G1, crushing part of the roof and exposing the interior of the cabin to the elements. It is unknown when the tree fell but the owner had only become aware of this damage over the preceding weekend. Proposes to remove the existing metal roofing on the majority of the roof to allow access to the damage area and provide the ability to replace any adjacent damaged components to include trusses, sheathing, plywood or tar paper. Once repairs are completed will replace the removed roofing material and repair the damaged area with metal roofing that matches existing. NOTE: Roofing material replacement was approved in 2015 using a Forest Green metal roofing material.

Proposes to use standard carpentry tools, air compressor (offered to store inside cabin while in use). May need to use scaffolding, forklift to raise materials to roof.

**Cabin G-4: Project 1: Repair/rebuild chimney:** Proposes to remove and replace the top 1/3 of the existing chimney. Will salvage bricks that are still in good shape before cleaning and re-installing. Will use same size of replacement bricks (4' X 8") of same color as existing where needed to complete the repair. Plans to mortar in place. Re-mortar the rest of the chimney where needed. Repair of chimney is in preparation of inserting a stainless-steel pipe for wood stove insert. Ground disturbance from scaffolding or ladders. No vegetation or trees to be removed. Contractor to use masonry tools, small grinder, small portable cement mixer, wheelbarrow.

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<sup>1</sup> Some recreation residences have more than one project.

**Project 2: Skirting/Outlooker Replacement:** NOTE: These two projects were reviewed under previous ownership. Skirting replacement using in-kind materials was reviewed in 2014 and ornamental logs (called outlookers) on the south side of the cabin were reviewed for replacement in 2017 with strict mitigations provided by Heritage.

**Cabin T-3 Project 1: Replace metal rolled roofing** -A tree fell on his roof. Through the interior damage it was discovered he has bats. Permit owner is currently working with bat specialist out of Lane County. Roofing material is currently a metal rolled (no longer acceptable per the Region 6 Supplement No.: 2709.11-2012-1) and it allows bats to get up under. Remove the existing rolled (applied horizontally across roof) metal roofing material and replace with a snap lock, standing seam, vertical metal roofing material in a dark brown color that will match the existing metal material on the storage shed. Will use standard construction equipment, potentially scaffolding, and a forklift or boom to lift material onto cabin's roof.

**Cabin T-7: Project 1: Replace septic tank:** Proposes to remove and replace the old septic tank with new tank in same location. Tank dimension for a 1500-gallon tank is 150" L x 67" W x 60" H. Hole will be slightly larger. Tank buried at a depth of 65" to 70". A narrow trench, less than 12" W by 12" D x 60' L would need to be dug to allow the connection of electrical line for float installation.

**Project 2: New gravel on existing driveway:** Proposes to place gravel on existing driveway using 3/4 minus gravel. Will use dump truck to deliver, rake and wheel barrel to spread. Gravel plan provided in project record.

**Project 3: Window Replacement:** Replace existing small attic window located on west side of structure that currently measures 2' x 2' with a slightly larger window up to 3' x 3' to allow for emergency egress if needed. New window to match that of existing window and constructed out of wood clad dark brown vinyl. Picture of existing window provided in project file.

**Cabin W-4: Project 1: Replace septic tank & install new drain field:** Remove old tank (#8 on site Plan located in project file) and replace with new 1000-gallon tank (#4 on site Plan) that measures 52" W x 127" L x 55" H in same location. Hole for new tank will be larger based on new tanks size. Tank location to be staked in the spring when accessible. Prior to obtaining permits from Klamath County for the installation of a new drain field, two test holes would need to be dug and a perk test completed by the county. Once the testing is completed, the extent of the drain field is provided by Klamath County. The site plans show a tentative route for the new line and the location of the two test holes. Test holes are approximately 2' W x 4' L x 5' Deep. Location of test pit is #9 on site plan. Install a new drain field that consist of three lines, each 75' in L x 24" W x 24" in D at beginning of line and getting deeper as the line trench runs to the west. Each line is separated by 6' of space. Proposes to use an excavator to dig hole and trench. No trees proposed to be removed for the tank replacement or new drain field but does proposes to remove some ground cover and indicates area will restore to existing conditions. Number and length of line for new drain field may be reduced based on outcome of soil analysis found in test pit.

**Project 2: Remove & place storage shed:** Proposes to remove old storage shed (larger than allowed) and replace it with new storage shed in a new location as shown on provided site plan. New storage shed is to be 10' W x 13' L x 15' H on a pier block foundation. Would need to scrap surface to level pier blocks. The siding is proposed to match the style and color of existing cabin, which is Board & Batten and painted a dark brown. Roofing material to be metal, but color proposed is a Classic Brown. No trees or ground vegetation to be removed for this project. Proposes to use standard construction tools. Area restored back to natural state, all material disposed of at local landfill.

**Project 3: New propane tank:** Proposes to install a new 250-gallon propane tank. Propane line to be buried between tank and cabin. Trench for buried line is 12" W x 18" D x up to 100' L depending on placement of tank to avoid trees. Will use a small backhoe to dig trench. Propane tank to be located

within footprint of old storage shed to meet distance code from structure and placed on concrete blocks that sit on surface.

**Cabin X-3: Project 1:** *New exterior Shutters:* Proposes to install two new shutters on windows located on back of cabin that will match the style, size and materials used on the shutters that are located on the front of the cabin. One shutter measures 4' W x 4' H and the second measures 3' W x 4' H. Proposes to use standard carpentry tools. Minimal ground disturbance from ladder or scaffolding.

**Project 2:** *Replace exterior door:* Proposes to replace the side entry door with a door that matches the style and color of the existing front door to include its hardware (Pictures on file). Replacement door measures 36" W x 86" H, which will fit into the existing opening without increasing the size of the opening. Proposes to use standard carpentry tools. No vegetation removal proposed, no ground disturbance proposed.

**Cabin X-12: Project 1:** *Storage shed replacement:* Proposes to remove old storage building and replace with new 10' W x 12' L x 10' H building in same location that will have one 36" door (with window) and two, 4' x 4' windows located on the west side (lakeside) of structure. Proposes to reuse existing truss and roofing material (brown metal) that matches cabin's existing roofing materials. Siding to be a board and batten style stained a medium brown to blend into the surrounding. Storage shed to sit on pier block foundation and would scrape the surface to level pier blocks. No vegetation or trees are proposed to be removed. Would use standard carpentry tools for construction of project. Since site is walk in only proposes that heavy materials would be brought in by boat to the dock in front of cabin, lighter items transported in by hand or wheelbarrow down foot path to lot.

The projects are located in Klamath County, Oregon, with a legal description of T23S, R6E, Sections 7, 14, and 18 Willamette Meridian (Figure 1).

### **Reasons for Categorically Excluding the Decision**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories listed in 36 CFR 220.6(e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

#### ***Category of Exclusion***

The appropriate category of exclusion is found in the Forest Service National Environmental Policy Act (NEPA) regulations at 36 CFR 220.6(e).

#### ***Relationship to Extraordinary Circumstances***

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

#### ***1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.***

- **Wildlife:** It is anticipated that this project would have "No Effect" to any threatened or endangered species and "No Impact" to any R6 Sensitive wildlife species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
- **Plants:** It is anticipated that this project would have "No Effect" to any threatened, endangered, and "No Impact" R6 Sensitive plant species. A Biological Evaluation (BE) would be completed

before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.

- Fisheries: It is anticipated that this project would have no disturbance or “No Effect” to fisheries as a result of this decision.

**2. *Flood plains, wetlands, or municipal watersheds***

Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Executive Order 11990 provides direction to avoid adverse impacts associated with destruction or modification of wetlands. The project is consistent with both executive orders.

- This project would have no effect to either floodplains or wetlands.
- There would be no adverse effects to a municipal watershed because the project is not located within or adjacent to a municipal watershed.

**3. *Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas***

The proposed project is not within a Wild and Scenic River corridor. The closest is the Crescent Creek Wild and Scenic River corridor, which is approximately three miles to the southeast of the closest recreation residence on Odell Lake, and would not be impacted by the proposed actions. The project area is not located within any Wilderness, Wilderness Study Areas, or National Recreation Areas. The closest Wilderness Area is the Diamond Peak Wilderness, which is approximately ¼ mile away and separated from the Odell Lake recreation residence tracts by the FS 5810 road and the railroad tracks. The only potential wilderness impact would be from noise associated with project work; however, the noise level would not be more than that associated with normal recreation and railroad activities in the area and limited in duration (for the construction period only).

The Odell Lake recreation residences are approximately five miles from the edge of the Oregon Cascades National Recreation Area (OCRA). There is no proposed activity in the OCRA.

**4. *Inventoried roadless areas or potential wilderness areas***

The project is not located within any Inventoried Roadless Areas (IRA) or potential wilderness areas. The nearest Inventoried Roadless Area is the Maiden Peak IRA, which lies just to the north and across Highway 58 of some of the Odell Lake recreation residences; however, there would be no impacts to this IRA from these projects. The project is not within a potential wilderness area, nor will it affect any of the criteria for inventorying potential wilderness (ie. – no roads will be built and no timber will be cut).

**5. *Research Natural Areas***

There are no existing or proposed Research Natural Areas (RNA) in or adjacent to the project. The nearest Research Natural Area is the Gold Lake Bog RNA on the Willamette National Forest, which is approximately five miles to the northwest.

**6. 7. *American Indian and Alaska Native religious or Cultural Sites, Archaeological Sites, or Historic Properties of Areas***

Consultation for this project would be covered under the 2004 Programmatic Agreement for the State of Oregon and a final determination of compliance with Section 106 of the National Historic Preservation Act, including any required field surveys, would be completed before issuance of a final decision memo.

Based on the conclusions regarding the effects to the resources and conditions listed above, I will determine whether the project will have no extraordinary circumstances that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

### **Consistency with Deschutes Land and Resource Management Plan**

This project will be consistent with direction found in the *Deschutes National Forest Land and Resource Management Plan and Record of Decision 1990* (Forest Plan), as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan, 1994). Biological Evaluations are being prepared for Sensitive, Threatened, and Endangered animal and plant species and will be located in the project file at the Crescent Ranger District. Also, the project will meet all of the applicable Project Design Criteria from the 2014 Programmatic Biological Assessment for central Oregon.

This project is inside the Northwest Forest Plan boundary and will apply the Survey and Manage species list in the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

### **Public Involvement**

Public scoping and Tribal consultation are being conducted in conjunction with the release of this Preliminary Decision Memo.

### **Implementation**

When the Decision Memo is signed, project implementation can begin once final approval is received from the Crescent District Special Use Administrator. The following project design features will be included to meet project objectives and/or to reduce or minimize unwanted effects:

#### *Cultural*

- For any ground disturbance work- if imported fill is utilized it must be from a culturally sterile source (meaning there is no possible contamination from fill originating from another buried archaeological site).
- If, prior to, or during construction work, items of archeological or historical value are reported or discovered, or an unknown deposit of such items is disturbed, the permit holder/contractor would immediately cease activities in the area affected. The Forest Service would be notified, and ground disturbing activity would not resume until written authorization is provided.
- Should human remains be encountered, the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq. [Nov. 16, 1990] and its regulations (43 CFR §10) would apply.

#### *Botany*

- Equipment Cleaning - Actions conducted or authorized by written permit (contracts) require cleaning of all heavy equipment (i.e., bulldozers, skidders, and other construction equipment) prior to entering Forest Service lands. Equipment will be inspected on-site by the Forest Service project manager or the District botanist prior to start of work.
- All gravel, fill, sand stockpiles, quarry sites and borrow materials used for this project will be inspected for invasive plants before such material is transported and used within Forest Service lands. Any infested sources must be treated before use of pit material. Only gravel, fill, sand, and rock that are judged to be weed-free by District or Forest weed specialists will be used for this project (Requirement R6 Standard #7).



*Soils/Hydro*

- When rain is expected, all exposed soils should be secured (i.e. put soil back in ditch, take soil off steeper slopes, instill a sediment catch fence etc.). If a precipitation event is expected to produce overland flow, it is recommended that the project be discontinued until conditions dry out. At the completion of the project soils should be secured, and adequate vegetative cover and drainage structure provided (FAC-2).
- No used building material will be disposed along the shoreline.
- Pressure treated materials is not allowed.
- All refueling and storage of equipment will occur more than 25 feet from water.
- Equipment operators/operations will have a spill kit on site on site of sufficient size to clean up and prevent further contamination.
- Forest Service will be informed of any observed petroleum spills.

*Transportation*

- For any National Forest system road related activities please contact the Crescent Ranger District's Road Manager/Transportation Planner at (541) 433-3254 at least 10 working days prior to the proposed activities. Issuance of a road use permit may be required.
  - Road related activities may include but are not limited to; Commercial hauling (sale of a good or service regardless of profit on National Forest Service lands), road use outside of authorized access or any road maintenance activities including snow removal.

*Wildlife*

- **Odell Lake T-3** – A bat box would be installed on the north side of the property, away from the main road and foot traffic with easy access to water. The bat house is a single chambered box is 22 inches W x 24 inches L and would be attached to a 2x4 post (photos in file), which will be hand dug on the property. The hole for the post will be approximately one foot wide by two feet deep.

**Best Available Science and Conclusion**

My conclusion will include a review of the record of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

**How to Comment and Timeframe**

Your comments about the proposed actions or other concerns are welcome and would be considered in the decision. They would be most helpful if received by June 09, 2021. Comments can be submitted to the address on the header of this letter, or by email to: [comments-pacificnorthwest-deschutes-crescent@usda.gov](mailto:comments-pacificnorthwest-deschutes-crescent@usda.gov). Written or oral scoping comments should include your name, address, and telephone number (if available). Include the title of the project (2021 Odell Lake Recreation Residence Projects).

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymously will not provide the Agency with the ability to provide the respondent with the subsequent environmental documents.

This letter/notice also serves as an invitation to participate in the Forest's National Historic Preservation Act, Section 106 process for the project.

**Administrative and Appeal Rights**

The final decision is not subject to appeal or objection. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes “shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excluded ....under the National Environmental Policy Act [NEPA].” As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

**Contact Information**

For additional information concerning this project, contact Meria Page, Special Uses Administrator, at Crescent Ranger District, 136471 Hwy 97 N/ P.O. Box 208, Crescent OR 97733, or by phone at (541) 433-3200.

**Responsible Official**

The Responsible Official will be the District Ranger, Crescent Ranger District, Deschutes National Forest.

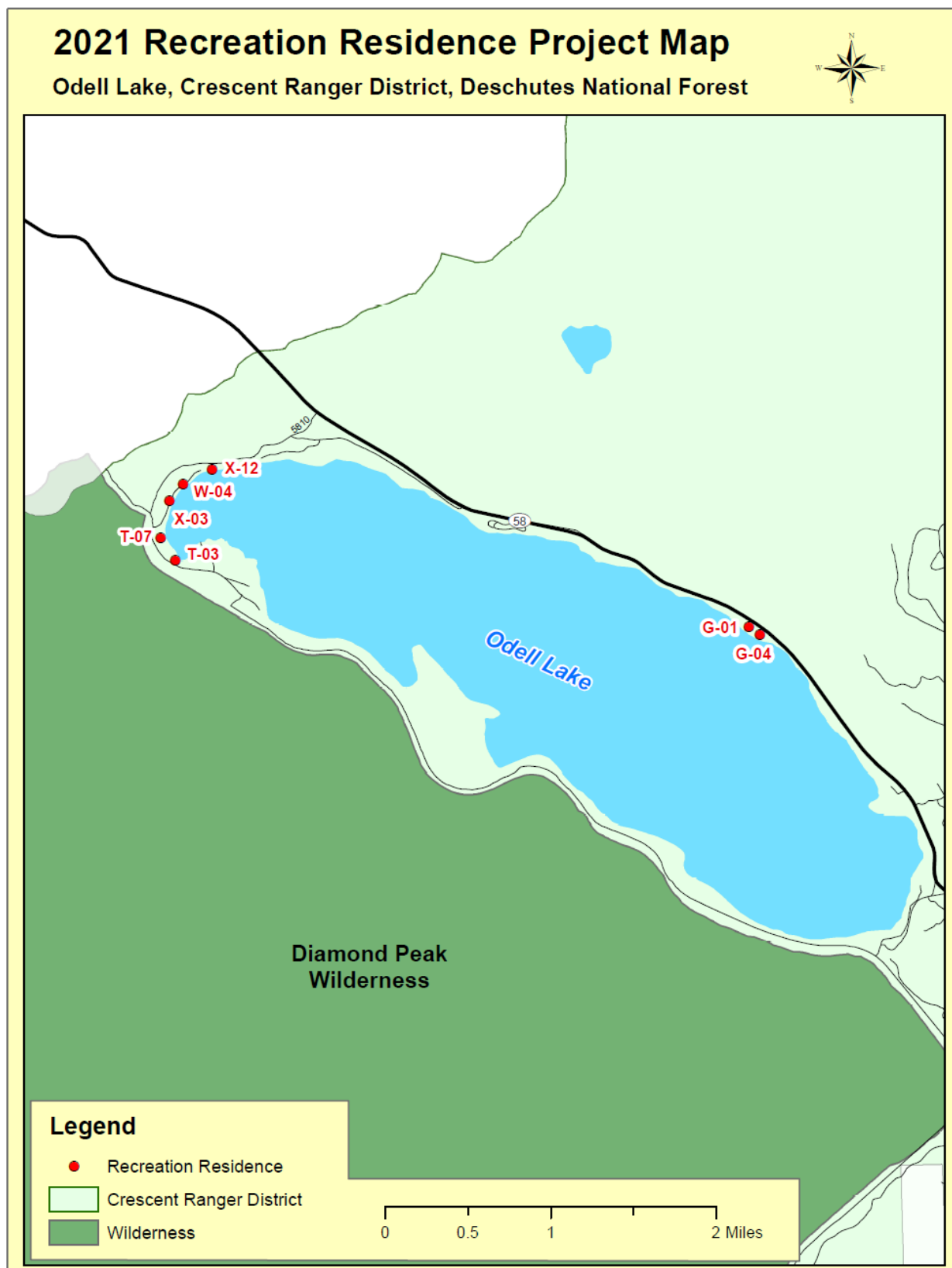


Figure 1 – Odell Lake 2021 Recreation Residence Locator Map